

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN MCSWAIN

Plaintiff,

vs.

**B. WEST, VANCE, ANGELA
SUYDAM, SHERMAN
CAMPBELL, WARNER, D.
MARTIN, B. AMSDILL, DAVID
MESSER**

Defendants.

2:20-CV-12684-TGB-DRG

**ORDER ADOPTING REPORT
AND RECOMMENDATION TO
GRANT IN PART AND DENY
IN PART DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

This matter is before the Court on Magistrate Judge David R. Grand's September 27, 2021, Report and Recommendation (ECF No. 36), recommending that Defendant's Motion for Summary Judgment (ECF No. 30) be granted in part, and denied in part.

The Court has reviewed the Magistrate Judge's Report and Recommendation and finds that it is well-reasoned and supported by the applicable law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.*

Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept the Magistrate Judge's Report and Recommendation of September 27, 2021, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation (ECF No. 36) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that the Defendants' Motion for Summary Judgment (ECF No. 30) is **GRANTED IN PART, AND DENIED IN PART**.

IT IS SO ORDERED

Dated: December 22,
2021

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE